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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,230	02/09/2005	Thomas Lich	10191/3745	1557
26646 7590 05/30/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
ASSAF, FAYEZ G				
ART UNIT		PAPER NUMBER		
2872				
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05/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,230

Applicant(s)

LICH ET AL

Examiner

Fayez G. Assaf

Art Unit

2872

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 and 23 is/are rejected.
- 7) ☒ Claim(s) 18-22, 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 12, 14, 16, 17 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Iito (US 4,908,611).

Regarding claims 8, 10, 12, 14, Iito discloses a device (1 of Fig. 1) configured for holographic projection (by means of hologram 2) of an image of a passenger figure in a passenger space of a vehicle selected by the driver (line 11 to line 16 of Col. 2), wherein the device is configured to provide acoustic information to the driver, and wherein the acoustic sound is associated with the projected image of the passenger figure in the passenger space.

The reference does not explicitly teach projecting a passenger figure defined by an area of a vehicle seat extending upward from the vehicle seat. However, the reference clearly

teaches images and sounds coming from a TV system directed toward the passengers in the car. As such, the device is capable of projecting images in the car.

It would have been obvious, at the time the invention was made, to a person having ordinary skill in the art to project such images from the TV in the area of the vehicle seat(s) for easier viewing by the passenger(s) in the vehicle seat(s).

Regarding claim 16 and 17, Iino discloses the device being connectable to a sensor system for monitoring the driver or the vehicle, the device being configured in such a way that the device influences the projection of the figure (see Fig. 2A) and a voice output (i.e. from TV) as a function of a first signal of the sensor system.

Regarding claim 23, Iino discloses the device being connected to a communication means (controller in Fig. 2A) in such a way that the device influences the projection of the figure as a function of a third signal from the communication means (such as a signal from stop sensor).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2872

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9, 11, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iino (US 4,908,611) in view of Kanevsky et al. (US 6,236,968 B1).

Iino discloses the claimed invention except for the device being assigned a voice input and output.

However, Kanevsky discloses an interactive voice dialog system for sleep prevention having voice input and output.

It would have been obvious, at the time was made, to a person having ordinary skill in the art to utilize the teachings of Kanevsky and Iito in order to form an integral monitoring and entertaining system requiring only one processor and wiring system, in that, cost is reduced.

Regarding claims 11, 13, 15, see the 103 rejection of claims 8, 10, 12, 14, 16, 17 and 23 above.

Allowable Subject Matter

Claims 18-22 and 24-26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

Claims 18-22 and 24-26 are allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest projecting the figure as a function of the signal from the seat occupancy recognition system as set forth in the claimed combination.

Response to Arguments

Applicant's arguments, filed 2/19/2008, with respect to claims 18-22 and 24-26 have been fully considered and are persuasive. As such, the rejection of claims 18-22 and 24-26 has been withdrawn.

Applicant's arguments filed 2/19/2008 with respect to claim 8 has been fully considered but they are not persuasive.

Applicant argues that projecting TV images (e.g. passenger figure) in the area of the vehicle seat would interfere with the passengers occupying the passenger spaces. The examiner respectfully disagrees, because applicant argues a feature that does not exist in the claim. The interference would occur only when the three dimensional image of a simulated figure companion is projected in the area defined by the passenger seat when a passenger is present. The language of the claim only requires

projecting an image of a passenger figure in a passenger space.
See the 103 rejection above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Z. G. Assaf whose telephone number is (571) 272-2307. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephon Allen can be

reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fayez G. Assaf/
Primary Examiner, Art Unit
2872

May 25, 2008